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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,408	09/22/2003	Saori Miyata	1341.1161	4402
21171	7590	01/25/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			VO, HIEN XUAN	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,408

Applicant(s)

MIYATA ET AL.

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10, 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-6, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/22/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 11-12 rejected under 35 U.S.C. 102(b) as being anticipated by Budin et al. (U.S. Patent No. 5,276,703).

With respect to claim 1, Budin et al. disclose a wireless LAN communications system including a plurality of internetwork connectors that respectively connect a network with another network and a monitoring apparatus that monitors and remotely maintains the internetwork connectors (see e.g. Fig.3), a command receiving/transmitting unit that receives/transmits a command from the monitoring apparatus to the transfer destination device (see e.g. Fig. 3, item 32 and col. 7, lines 23-31), at a specific frequency specific to the transfer destination device (see e.g. col. 8, lines 9-14), a destination selecting unit that selects a transfer destination device to which the command is to be transferred (see e.g. col. 3, lines 11-18), wherein the transfer destination device is an internetwork connector or another remote maintenance repeater (see e.g. Fig. 3 and col. 21, lines 3-7); a result receiving/transmitting unit that receives/transmits a result of execution of the command from the transfer destination

device at the specific frequency to the monitoring apparatus (see e.g. col. 22, lines 33-51).

With respect to claim 2, Budin et al. disclose the invention as claimed including a radio data relay unit that receives data from a specific internetwork connector by radio and transmits the data to another internetwork connector, upon occurrence of a malfunctioning in a network to which the internetwork connector is connected (see e.g. Fig. 1 and col. 6, lines 47-58).

With respect to claim 3, Budin et al. disclose a wireless LAN communications system including a plurality of internetwork connectors that respectively connect a network with another network and a monitoring apparatus that monitors and remotely maintains the internetwork connectors (see e.g. Fig.3), a command receiving unit that receives a command from the monitoring apparatus (see e.g. see e.g. Fig. 3, item 32 and col. 7, lines 23-31), an information obtaining unit that obtains an identification information for uniquely identifying a transfer destination device (see e.g. Abstract, lines 4-8), an internetwork connector or another remote maintenance repeater, to which the command is transferred (see e.g. see e.g. col. 3, lines 11-18), a packet generating unit (see e.g. col. 10, lines 4-11) that generates a control packet including the identification information (see e.g. col. 20, lines 64-68), a radio command transmitting unit that transmits the control packet and the command by radio at a predetermined frequency (see e.g. Fig. 3, item 32 and col. 7, lines 23-31); a radio result receiving/ transmitting unit that receives/transmits a result of execution of the command by radio to the monitoring apparatus (see e.g. col. 22, lines 33-51).

With respect to claim 4, Budin et al. disclose the invention as claimed including a radio data relay unit that receives data from a specific internetwork connector by radio and transmits the data to another internetwork connector, upon occurrence of a malfunctioning in a network to which the internetwork connector is connected (see e.g. Fig. 1 and col. 6, lines 47-58).

With respect to claims 5, and 11-12, the limitations of these claims have been noted in the rejection above. They are therefore consider rejected as set forth above.

With respect to claim 6, Budin et al. disclose the invention as claimed including a communication unit that transmits the command to an internetwork connector, which does not have a radio communication function, connected to the same network and receives the result of execution via the network (see e.g. col. 1, lines 13-16).

Allowable Subject Matter

3. Claims 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 8-10 and 13-14 allowed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

Art Unit: 2863

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo


John Barlow
Supervisory Patent Examiner
Technology Center 2800